REMARKS/ARGUMENTS

Claims 1-15 are pending in the present application. Claims 1-15 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,418,447 to Ziolko. Applicant believes the claims are in proper form for allowance, traverses the present rejection and offers the following argument in support of allowance thereof. Therefore, Applicant respectfully requests allowance of claims 1-15.

Rejection of Claim 1 Under 35 U.S.C. § 102(b):

Independent claim 1 has been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 4,418,447 to Ziolko. The Applicant respectfully disagrees with this rejection and reiterates the previous argument:

Previously amended claim 1 requires:

"C) moving at least two pressing members forming part of the separating element toward each other with a first movement such that the sausage strand is constricted locally,

D) moving the pressing members apart from each other, and

E) moving at least two cutting members forming part of the same separating element toward each other such that the sausage strand is separated at the position of the sausage strand constricted locally during processing step C)."

Ziolko does not teach limitations C, D and E. In contrast, Ziolko teaches, as best shown in Figs. 4-7, that surfaces 61 and 62 on separate arms move toward and apart from each other as the

cutting surfaces also move toward and apart from each other. Because Ziolko does not teach (1) moving pressing members toward each other; (2) then moving the pressing members apart from each other; and finally moving the cutting members toward each other as is required by claims 1-6, these claims cannot be anticipated by Ziolko.

Similarly, claim 7 requires that the cutting members are moved toward each other as the pressing members are moved apart from each other. For the same reasons mentioned above, Ziolko does not teach this and therefore cannot anticipate claims 7-15.

In addition, with regard to the term *"pressing member"* Ziolko teaches that forming arms 34 comprises surfaces 61, 62 for constricting the sausage strand locally and a cutting surface 56 for separating the sausage strand.

In column 5, lines 40-42 Ziolko explains *"each of the openings in the forming arms has a lower surface 61 and an upper surface 62"*. This is further best shown in figures 11 and 12, but also figures 4-7.

In the process of making sausage links with the apparatus described in the Ziolko patent, the filled casing is first gripped by the closing forming and cutting arm assemblies 34 and constricted by the progressive reduction in the space defined by the opposing V-shaped openings, wherein the V-shaped openings comprise lower and upper surfaces 61, 62. The rate of constriction is determined by the slope of the cam and the shape of the arms. As the V-shaped openings overlap and the casing is forced into the slot, the major part of the constriction is complete and a second phase gathering of casing and forming of the link end begins.

As can be seen in the figures 4-6 forming arms 34 are moved to each other while constricting the sausage strand and while

separating the sausage strand. For both constricting and separating the sausage strand the forming arms 34 are moved only toward each other. Subsequently, for a next constricting and separating step the forming arms 34 must be moved in reverse direction for creating a passage for the sausage strand between the forming arms 34. Therefore, during the process of constricting and separating the sausage strand the forming arms 34 are being moved in one direction only, that is towards each other.

However, the present application teaches moving pressing members toward each other for constricting the sausage strand, then moving the pressing members apart from each other in opposite direction, and finally moving the cutting members toward each other for separating the sausage strand.

For constricting and separating the separating elements are rotated in opposite directions, Ziolko teaches to move the forming arms during the process in one direction only. Therefore the present invention is new over the Ziolko patent.

On page 3 of the most recent Office Action the Examiner argues that *"moving the pressure members in opposite direction apart from each other - see figure 6 where items 61-62 are moved further apart than they were in figure 5 and thus move in the opposite direction/apart with respect to each other"*. This interpretation of figures 5 and 6 is in view of the Applicant incorrect: the items 61 and 62 are part of the same object (forming arm 34) and are at a constant position relative to each other.

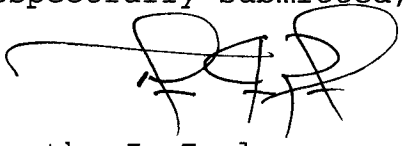
Consequently, in view of the above remarks and arguments, Applicant believes that claims 1-15 are in condition for allowance and Applicant respectfully requests allowance of such claims.

CONCLUSION

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,



Timothy J. Zarley
Reg. No. 45,253
ZARLEY LAW FIRM, P.L.C
Capital Square
400 Locust Street, Suite 200
Des Moines, IA 50309-2350
Phone No. (515) 558-0200
Fax No. (515) 558-7790
Customer No. 34082
Attorneys of Record

- TJZ/CAP/jlk -